

***Testimony of Representative Kelly Armstrong
Committee on House Administration Member Day
March 8, 2023***

For 1,026 days, the House of Representatives was closed to the public. Over the course of this period, appointed leadership within the administrative bodies of this institution pushed the limit on the curtailment of civil liberties and historic norms of the United States Congress.

Leadership within the chief law-enforcement and protocol offices within the Capitol, the House Sergeant-at-Arms (SAA) and U.S. Capitol Police (USCP), instituted operational changes that hindered access to legislators and increased surveillance on members, staff, and the public.

Building Access

On March 12, 2020, the SAA barred open access to the House Office Buildings in response to the COVID-19 pandemic. In this unprecedented move, the public was prevented from freely entering House office buildings to engage their legislators and redress their grievances, a constitutionally protected activity under the First Amendment. While there were certainly other means for the public to be in communication with Members of Congress, personal interactions and face to face meetings are among the most direct and time-honored forms of petitioning the government.

More than one year later, the SAA modified this protocol and instituted an “Official Business Visitor” (OBV) program to allow an extremely limited number of individuals entry into the House Office Buildings. According to an April 21, 2021, email titled *House Campus Access Update to Official Business Visitor Procedures*, circulated by then-Acting Sergeant-at-Arms Timothy Blodgett, OBV access would be granted to individuals who were pre-registered with the SAA, presented a form of identification to be checked by SAA staff, and issued a badge corresponding with the location of the pre-arranged meeting. OBVs were subsequently prevented from moving through the building without a staff escort.

For more than a year after the OBV process began, the admission of OBVs into House Office Buildings remained slow and cumbersome. The result was a massive disruption to constituents and members due to lines that routinely stretched well beyond building entry points. Complicating matters was a severe USCP staffing shortage, like that on the week of February 21, 2022, that prevented the operation of two out of the three approved OBV checkpoints for the core House Office Buildings.

This process, which was ostensibly predicated on guidance from the Office of the Attending Physician (OAP) to address the COVID-19 pandemic, remained woefully inadequate, poorly implemented, and chilled the ability of constituents to petition their Member of Congress.

These policies culminated to act as a significant obstacle, if not an outright deterrent, to a considerable number of Americans wishing to exercise their constitutional rights.

Surveillance

Following leadership and law enforcement failures that left the U.S. Capitol vulnerable on January 6, 2021, Congressional law enforcement bodies initiated or proposed a variety of programmatic changes that furthered the alarming trend of data collection and surveillance.

At the direction of then-Speaker of the House, Nancy Pelosi, retired Lieutenant General Russel Honoré led the Task Force 1-6 Capitol Security Review, which made several recommendations to address security issues facing the Capitol. Among the most contentious were advising that screening procedures and background checks be implemented. The review stated that as part of an effort to decrease insider threats, the Capitol should apply background checks to each holder of an identification card, a process that would deviate from the long-standing practice of deferring to employing Member offices for hiring decisions.

The Task Force 1-6 report suggestion for enhanced background checks and intelligence-gathering policies coincided with a SAA initiative designed to identify threats from individuals working within the Capitol Complex. Then SAA Walker testified before the House Appropriations Committee that the House Sergeant-at-Arms Office had developed an “insider threat awareness program” in coordination with the Intelligence Community, Department of Homeland Security, and the Federal Bureau of Investigation to identify “employees who lose their compass” and individuals whose “allegiance has changed.” This policy, whether it was implemented or not, combined Sergeant-at-Arms Walker’s subsequent rationale should cause concern members from both parties because of numerous unanswered questions and lack of robust statutory guardrails.

Regardless of whether the discussed “insider threat awareness program”, proposed background checks, or pandemic-related business visitor policies are warranted, these initiatives should not be developed in the isolation of institutions governed by appointees of a majority, regardless of which party holds power. Rather than utilizing surveillance programs designed with no apparent concern for civil liberties or concern for constitutionally safeguarded functions, this body must engage in a transparent legislative process that is unambiguous, protective of speech, and defends the rights of all who come to the United States Capitol.